

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**

MAY 19 2004

  
CLERK

GATEWAY, INC.,

Plaintiff,

vs.

ENER1, INC. a Florida corporation,  
f/k/a Inprimis, Inc., f/k/a Boca Research, Inc.; and  
BOCA GLOBAL, INC., a Florida corporation;

Defendants.

CIV. 04-4055

**DISMISSAL WITHOUT  
PREJUDICE**

COMES NOW GATEWAY, INC. by and through its attorney, Lee A. Magnuson, and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, dismisses this case without prejudice.

Dated this 18<sup>th</sup> day of May, 2004.

Lynn, Jackson, Shultz & Lebrun, P.C.

By 

Lee A. Magnuson

Heath R. Oberloh

Attorneys for Defendants

P.O. Box 1920

Sioux Falls, SD 57101-3020

605-332-5999-phone

605-332-4249-fax